

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	John B. Slate et al.)	
)	
Serial No:	10/662,001)	Art Unit
)	3767
Filed:	September 12, 2003)	
)	
For:	SEQUENTIAL IMPULSE/DELIVERY FLUID MEDICAMENT INJECTOR)	
)	
Examiner:	Bhisma Mehta)	
)	
Customer No:	23862)	
)	
Attorney Docket:	11102.2.1)	

TERMINAL DISCLAIMER TO OBTAIN A
DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

EFS Web Filing
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

AVANT MEDICAL CORP., the owner of one hundred percent 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,652,483. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This Agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a re-examination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

- ☒ Please charge the credit card number specified in the Electronic Fee Transmittal for payment of the fee associated with this Terminal Disclaimer, as set forth in 37 C.F.R. § 1.20(d). The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Terminal Disclaimer to Deposit Account No. 14-1519.
- ☒ The undersigned is an attorney of record.

DATED this 31st day of August, 2006.



NEIL K. NYDEGGER
Attorney for Applicant
Registration No. 30,202
Customer No. 23862

NYDEGGER & ASSOCIATES
348 Olive Street
San Diego, California 92103
Telephone: (619) 688-1300
Facsimile: (619) 688-1322